

From: Bernard J Reilly on 03/10/2001 08:13 AM
To: sw45nbu11@environcorp.com, rharris@environcorp.com
cc:
Subject: Bilott Letter to Agencies on C8

----- Forwarded by Bernard J Reilly/AE/DuPont on 03/10/2001 08:12 AM -----

From: Bernard J Reilly on 03/09/2001 11:58 AM
To: Paul J Bossert, John L Granquist, John S Sieg, Richard J Angiullo cc: John R Bowman, Andrea V Malinowski, Martha L Rees, Dawn D J
Subject: Bilott Letter to Agencies on C8

Apparently our most recent settlement offer in the Tennant Dry Run Landfill litigation has not been well received. We just received our copy of an 18 page letter Rob Bilott, counsel for the Tennants, sent to various officials at EPA, DOJ, the WV DEP, the WV HHS Department and WV AG's office purporting that DuPont has released and continues to release quantities of C8 that present an imminent and substantial threat to human health and the environment. He threatened to send such a letter months ago, we did not receive notice he was following through on this threat. We only have the cover letter, he apparently attaches over 100 DuPont documents he obtained in the litigation. Among other things, he asks

-- the agencies become involved in his litigation and require DuPont to cease release of C8 from the Dry Run landfill and revoke the permit for that landfill, and

-- that EPA exercise its authority under the Toxic Substance Control Act (TSCA) to order DuPont to cease all use of C8 until DuPont proves its use does not present unreasonable risks to health or the environment.

He also gives notice he plans to bring citizen suits against DuPont on connection with C8 releases from Washington Works under the Clean Water Act, TSCA, and the Resource Conservation and Recovery Act.

Since this is a public document, inquiries from the Agencies and the media are possible at any time. Izzy and Andrew already have opened a dialogue with EPA Region 3, and Ann Bradley will contact the WV agencies to assure they know they can turn to DuPont with any questions.

--Bernie

Cause of Death	MALES				FEMALES			
	Observed	Expected	Obs/Exp Ratio	95% Confidence Interval	Observed	Expected	Obs/Exp Ratio	95% Confidence Interval
ASSAULT	1	2.80	N/A	N/A - N/A				
INJURY DUE TO WARFARE	1	0.02	N/A	N/A - N/A				

Location	Site Code
PARKERSBURG WV	2560
WASHINGTON WKS PARKERSBURG WV	2561
WASHINGTON RES LAB PARKSBG WV	2567
WASHINGTON WORKS WV	2569

Reference Population		Date
Total	262026	1/20/2003
F	84275	1/20/2003
M	187725	1/20/2003
	22	1/20/2003

Site Population		Date
Total	5523	1/22/2003
F	1034	1/22/2003
M	4489	1/22/2003

* Observed/Expected Ratios are not calculated when less than 5 cases are observed.

1/22/2003 10:58:18 AM Page 5 of 5

- CONFIDENTIAL -

WASHINGTON WKS PARKERSBURG WV

RI003163
EID645665

0000049

From: Bernard J Reilly on 04/08/2001 08:02 AM
To: x13316@usma.edu
cc: rmreilly@bellatlantic.net, esipia@thefoliogroup.com, jmatz@wilmingtontrust.com
Subject: April 8

Hi Bern,

Greetings from VT, had a great day yesterday getting the sticks on the ice up the hill, started around 1300, nearly all done, mom and I have creaky backs. Weather was just great, even some sun, today looking pretty damp, darn. Got much of the maple organized and cut, need to store it out of the way. Ground bare in places, a foot of snow in others. Did din-din at the Fair Haven Inn, service slow, but we were in no hurry, ate at the bar, fucking everyone in VT smokes, quite amazing.

Among your other shortcomings, too numerous to mention, you left the front door to Duff unlocked, food out for the mice, etc. I will let mom lecture you. Everything works, heat, water, etc, that is good. Wish I did not have to dewater one more time, but better. By the way, here is a dog risk, ever hear they like antifreeze because it is sweet, yet it kills them? Guess where little Otto drinks and what is in the potties, until flushed? We better watch out. He has been a model of dog decorum since we got here, loves his sticks, ran all over the ice, in some places there is a foot of water on top of the ice, along the shore, he fell through about 20 FEET FROM SHORE AT ONE TIME, THANK GOD GOT OUT BY HIMSELF, A RESCUE MISSION FROM ME WOULD HAVE BEEN MIGHT CHILLY. I WOULD HAVE DONE IT. MUST HAVE HIT THE CAP LOCK KEY, I HATE THIS SMALL KEYBOARD.

Sounds like the China fiasco going sideways, glad Powell seems still in the lead. I have yet to get the Times today, but I get the headlines on email, said a helicopter crash in Vietnam killed about 20, and some Americans, you might look for that.

Noose tightening on my favorite case, one of the Engineering mags has an April cover story "More Worry about Perfluorinated Chemicals", that would be both Scotchgard and the material 3M sells us that we poop to the river and into drinking water. along the Ohio River.

Time to get the Times, all is well here, looking forward to seeing you Friday, any idea when you get out? How is the Baja?

Love, -Dad, Mom, Erin Jen, Cass, Reilly, Otto

From: Bernard J Reilly on 05/07/2001 08:38 AM
To: x13316@usma.edu
cc: jmatz@wilmingtontrust.com, esipia@thefoliogroup.com, rmreilly@bellatlantic.net
Subject: May 7

Hi Bern,

Lovely day, was chilly with frost at 0430, Otto and I ran under a moon so full it cast clear shadows, very pretty. Mom and I thinned bushes yesterday afternoon, even less fun than it sound like, also spread a lot of mulch, the area above the driveway now looking great. Cut off some branches of the crab apple that had tent worms, might be a big year for them. Still lots of mulching to do, but some of the most annoying parts now behind us. We then did cow on the grill, with tortalinis, great. Otto enjoyed being outside with us, eventually barking at me to throw his toys, can't find the Frisbee, his favorite and also the kindest on my arm.

I have not heard from Erin so assume their potty works, need to get that cabinet put together so they can measure the counter top. They must deliver the chipper to NJ, need to schedule that trip maybe some evening this week. Also must schedule getting my tooth cap installed, hopefully today so I can coordinate with getting Otto out of his cage, since mom working. I washed his cage bedding last week, made a big mess, apparently failed to shake out all the residual poop. Mom had to do over again, and stunning amount of black hair.

Got a call about 2130 when in bed last night from one of our engineers worrying about our technique for measuring surfactant at Parkersburg. We learned recently that our analytical technique has very poor recovery, often 25%, so any results we get should be multiplied by a factor of 4 or even 5. However, that has not been the practice, so we have been telling the agencies results that surely are low. Not a pretty situation, especially since we have been telling the drinking water folks not to worry, results have been under the level we deem "safe" of 1 ppb. We now fear we will get data from a better technique that will exceed the number we have touted as safe. Ugh.

Time to roll, hope all well, bring everything under the sun to the Baja competition spare parts, welder, tools, brains, etc.

Love -Dad, Mom, Erin, Jen, Cass, Reilly, Otto

From: Bernard J. Reilly on 12/04/2001 07:57 AM
To: reilly_bern@hctmail.com
cc: esipia@thefoliogroup.com, jmatz@wilmingtontrust.com, rmreilly@bellatlantic.net
Subject: Dec 4

Hi Bern,

Quiet here, I had a trip to Phila yesterday, so did not run with the wild animal until after dark, that is a pain in the butt time, just enough cars and Otto hard enough to see that I need to have him on the leash the whole time, that throws my balance off just enough to make the run more of a hassle. Got good results on the trip, dealing with BROS, that Superfund Site across the Commodore Barry Bridge.

Paper says third driest Fall on record for Wilmington, the jet stream seems to be on some non-traditional path for this time of year.

I got a harness from Tweetters for the radio, sure enough it makes exactly the same cracking sound after volume of 20, but I may have at least finally done it in, I hooked up the other 2 speakers to see which ones crackle, and now I get no sound from any of them. I will check it out one more time in the daylight and then bring it back, looks like it will be a long time before I have those tunes, I may get the Honda harness from Erin's rig and put in her old radio, I believe it is better than that Motorola, or whatever name it is.

Did I tell you the public meeting at Parkersburg went OK? Plaintiff lawyer tried to ask some trick questions but we were ahead of him. And all the prep work questions really made the actual questions from the public quite easy by comparison. We still are working with EPA on providing drinking water, and of course the class action still ongoing, will be costly to defend, but now that we are better organized and responsive I am hoping there will not be punitive damages. Actual damages should be minimal, unless the court lets in junk science, like we caused someone to have cancer, when that seems unlikely with this chemical.

I gotta get a call at 0800, hope all is well down there, pull the trigger on your XMas plans, we can accommodate anything. Hope that Spot is getting better.

Love, -Dad, Mom, Erin, Jen, Cass, Reilly, Otto

From: Bernard J Reilly on 12/11/2001 07:30 AM
To: reilly_bern@notmail.com
cc: rmreilly@bellatlantic.net, esipia@thefoliogroup.com, jmatz@wilmingtontrust.com
Subject: Dec 11

Hi Bern,

Rainy morning here, not enough to make a big dent in the shortfall, just enough to make it messy to be walking around. I did Arden subs with Erin, Joe and Reilly last evening, the little guy is getting massive, his legs look like he will be a weight lifter one fine day, better yet the center on the football team, might be too massive for hockey. Mom painting their front room a dark red, looking exotic. I sized up my hot water line job again last evening, I have a plan to short cut to the kitchen and upper shower, need to get cracking.

We have a big powwow today on safe levels of our surfactant, national experts will lend a hand, should be very interesting. Gets down to things like whether if a substances at a very high does causes cancer in laboratory animals, via a mechanism that has become fairly well understood, and that mechanism is not possible in humans, should that test be ignored when setting a safe level for humans? Experts apparently disagree. The good news is that levels in the local drinking water are lower than levels set using even the most conservative extrapolation techniques (e.g. various factors of 10 going mouse to man, considering children and sick people, etc). The bad news is that it still is there and folks do not like that, I would not.

Looks like the war is still doing well, guess the Taliban really did not have any depth of support. Of course Afghanistan has a long history of switching alliances, assume switching to the winning side an element of survival. When it was one of their colonies the British called it "The Great Game". They lost a fair number of soldiers treachery common, guess that is a key element of shifting loyalties. Big need now is for some overall alliance to form so the tribes stop shooting at each other, plundering, beating up on various minorities, etc. Maybe Europe was like this a couple thousand years ago.

How much of a hassle to deal with that rear oil seal? Can you do it without dropping the crankshaft? Which would be very major surgery? You might surf the net to ask other guys that have done it. I still am not sure how you got the timing off by half a gear, did you use a timing light? Or is timing automatic?

Time to roll, glad to hear all is well in school.

Love, -Dad, Mom, Erin, Jen, Cass, Reilly

From Bernard J Reilly on 09/01/2001 10:02 AM
To: reilly_bern@hotmai.com
cc: rmreilly@bellatlantic.net, erinsipia@mac.com, jmatz@wilmingtontrust.com
Subject: Sep 1

Hi Bern,

I can't believe it is September already. I am in the sun on the porch at Duff, got some late rain yesterday and now much cooler, low 60 degrees. Otto found where the sun is hitting the floor, snoozing. The dog sure does lose hair, the Passport has gone from hairless to hairy in a couple days, we leave him in there when we go out to eat, which we have done now a couple times, Lakeside has good bar food. Mom and I have nearly reengineered the lattice under the deck so that there is a door on the side, the front generally will stay shut, not sure why that is such an obsession with mom, guess I am clueless on style.

Tom coming by to pick me up at midday. I think, complicated by a funeral he must attend this morning. Assume we will play with some wood, but Tom's back is highly delicate right now, maybe he gets the tractor. Then mom coming out there later on for chow and to pick me up.

Got new rubber on the Stain, looks great, they are Kelly something or others, have raised white letters, got the all weather guys, not super aggressive, but not the highway ones either. Hope it snows one fine day, or maybe will need them when I drive the truck into the woods to listen to the radio, dump off the leaves, etc.

Guess I told you we finally have been sued by the people drinking water from the Ohio river by our Parkersburg plant, will be tough one to defend, I do not believe we are hurting anyone, but I sure can't blame people if they don't want to drink our chemicals. The compound is an 8 carbon fully fluorinated chain with an ammonia group on the end, a perfect surfactant for our Teflon fine powers that are used by Gore to coat fabric. It is very persistent in the environment, and on top of that, loves to travel in water and if ingested or breathed wants to stay in the blood, the body thinks it is food, so pulls it from the intestine, the liver then dumps it back to the stomach because it can't break it down, then the intestine puts it right back into the blood. The only good news is that it has been used for over 3 decades and does not seem to have impacted anyone's health. At very high doses we do know it will kill monkeys, of course that is what the attorneys will focus on.

Time to get rolling with this fine VT day, hope you have not been scraping too much paint lately, maybe they will graduate you to painting next week, then you can help us paint the house. Did mom hear you might be free for a bit Columbus Day? Let us know, we can look into flights for you, hope it is USAir, I have some frequent miles.

Love, -Dad, Mom, Erin, Jen, Cass, Reilly, Otto

From: Bernard J Reilly on 10/04/2001 08:26 AM

To: rharris@environcorp.com, swashburn@environcorp.com

cc: M. Ann Bradley/STB/DUP@DUP, John R Bowman/AE/DuPont@DuPont, Isidoros J Zanikos/AE/DuPont@DuPont, Martha L Rees/AE/DuPont@DuPont, David M Rurak/AE/DuPont@DuPont

Subject: Next Week at Region 3?

We have serious concerns that when we shift to the new analytical technique using Exagent, LC/MS/MS, along with improved sample gathering techniques e.g. avoiding glass, that we will get numbers considerably above the DuPont CEG of 1 ppb (or 3 ppb where there is no air exposure). Region 3 has told us they plan to order DuPont to provide alternative drinking water for any user above the 1 ppb. When they told us this (Sep 7) we did not know how striking might be the increase compared to Lancaster Lab that we have been using, could be a factor of 10 or more, and thus greatly over the CEG, maybe range of 5 to 10 ppb or even higher (hoping recent steps to curb river discharge starting to impact wells).

To try to avoid such an Order (although we may decide to provide drinking water on a voluntary basis), we therefore plan to get to EPA Region 3 drinking water (Karen Johnson) and risk (Sam Rotenberg) people next week, if they are willing to meet. Our purpose would be to express concern that our very conservative number may be used against us, and that is not fair. Then inform them that using the traditional tools of interpreting animal data to humans a far higher number than the CEG does is obtained. We are certain they have not worked through such a process. The Environ*monograph would be essential in this regard, and we would hope Environ can be there to present a summary of it. Of course another key part of the presentation is the lack of human health impacts based on all studies to date. We have an internal call on this at 9 AM today, then Izzy will try to set up something with Region 3, we will first check your availability.

-- Bernie

From: Bernard J Reilly on 10/04/2001 07:02 PM
To: David M Rurak/AE/DuPont@DuPont, Robert F Pinchot/DEV/AE/DuPont@DuPont, M. Ann Bradley/STB/DUP@DUP, Robert L Ritchey/CL/DuPont@DuPont, Gerald L Kennedy/AE/DuPont@DuPont, Andrew S Hartten/AE/DuPont@DuPont, Isidoros J Zankos/AE/DuPont@DuPont
cc: Martha L Rees/AE/DuPont@DuPont, John R Bowman/AE/DuPont@DuPont
Subject: EPA Region 3 Cannot Meet Next Week

I finally linked up late today with Janet Sharke, counsel for EPA Region 3 with our urgent request to meet next week to present our deep concerns about the Region using our CEG as a screening level above which there may be health concerns (and thus, for example, warrant an order to provide drinking water), and to give details on our new analytical method and sampling protocol. [We planned to provide the 3M advisory level of 6-7 ppb and draft Environ Monograph.]

She was very interested in these topics and voiced a sincere desire to accommodate our request, but next week simply is impossible given her schedule, and she feels she is an essential participant. She asked if we could cover these topics during our meeting with the WVDEP Oct 16, but when I learned Region 3 will cover by phone I said that likely would not give our presentation a fair hearing. She suggested we then meet right after the 16th, I said we are very concerned that the Region might issue an order using our CEG as a trigger for drinking water, she assured me the order is moving a but slower than they had hoped and that they would not issue it until they had heard our concerns. This extra breathing room may be a good thing, but may be best if we do not have first results (if high) from the new technique for our first meeting.

Shall we try to meet with the Region later that week, e.g. Oct 17, 18, or 19? I am good those days, how about the remainder of our tox subteam (Gerry, Rob, Dave, Ann, Andrew, Izzy, Bob R)?? Also good Oct 22 and 24.

-Bernie

From: Bernard J Reilly on 10/07/2001 09:55 AM
To: Martha L Rees/AE/DuPont@DuPont, Andrea V Malinowski/AE/DuPont@DuPont
cc:
Subject: Environ Monograph

----- Forwarded by Bernard J Reilly/AE/DuPont on 10/07/2001 09:55 AM -----

From: Bernard J Reilly on 10/07/2001 08:47 AM
To: Steve Washburn <SWashburn cc: Robert Harris <RHarris, John R Bowman, Joseph Rodricks <JRodricks, Annette
Subject: Environ Monograph □

Steve,

Since we now find we are unable to schedule a meeting with EPA Region 3 next week, then the end of next week for the PFOA monograph summary is fine.

As to the summary, ideally it is short (single digit pages?) but with enough data and analysis and to assure a regulatory official that levels of PFOA significantly above the DuPont CEG of 1 ppb in drinking water do not present an emergency situation requiring an Safe Drinking Water Act* order to provide alternative drinking water, even if there also is exposure to PFOA in ambient air (Dr Staats on our call last week seemed determined to assign a large dose to air since that route of exposure is more difficult to deal with (e.g. she said it might require the public to wear "gas masks"), of course she is aware of the recent dispersion modeling from the plant).

I assume that your extrapolations from lab animals to man involve calculating an acceptable "daily dose" from all routes of exposure. If that is clear in the summary then you can make whatever split between air and water that is the general practice to turn a dose into a concentration in water and air, that would give us enough background to engage a debate with EPA or the WVDEP if they want to assume air or water the larger source.

-Bernie

Section 1431(a) of Safe Drinking Water Act authorizes the EPA Administrator to take action necessary, to include ordering alternative drinking water, to protect the public's health from an imminent and substantial endangerment created by contaminants in a public water system or an underground source of drinking water. In US v Price, the 3rd Circuit ruled "imminent and substantial endangerment" authorizes the issuance of injunctions when there is but a "risk of harm", a more lenient standard than the traditional requirement of threatened irreparable harm. However, the House Report on the SDWA states the emergency authority not to be used in cases "where the risk of harm is remote in time, completely speculative in nature, or *de minimis* in degree." Further, action by the EPA is only authorized when state and local authorities have not acted first. We may use that provision to press EPA to defer to the WVDEP or WVDHHR. However, on our last call Dr. Staats, while agreeing that peroxisome proliferation is not a risk driver for human health, did seem to feel that 1 ppb in drinking water was justified as an action level.

Steve Washburn <SWashburn@environcorp.com> on 10/06/2001 02:53:28 PM

Steve Washburn <SWashburn@environcorp.com> on 10/06/2001 02:53:28 PM



To: REILL2BJ cc: Robert Harris <RHarris, BOWMA2JR, Joseph Rodricks <JRodricks, Annette Shipp <AShipp, Janet Kester <jkester

Subject RE: Environ Input

Bernie -

I am currently planning to get a draft summary of the monograph for you by the end of next week, since the primary author of the monograph (Janet Kester) is out until 10/10. Let me know if you think that you will need something earlier in the week.

I received the good news this morning from John Bowman that 3M will allow Joe Rodricks to review and provide input on the monograph, and I have already forwarded a copy to Joe. In Janet's absence, I am also working with one of ENVIRON's lead toxicologists, Annette Shipp, to resolve any outstanding issues on the draft monograph. Joe, Annette, and I are planning to talk on Monday, and discuss how to best summarize the results of the monograph.

Do you have an idea of what level of detail you would like to see in the summary, or how long you would like it to be? At this point, based on our communications, I am assuming that the primary focus would be on presenting our basis for a higher drinking water advisory level, including identification of the key studies and a discussion of the appropriate uncertainty factors to apply in relating the results of those studies to establishing protective levels of exposure for the general population.

Steve

-----Original Message-----

From: Bernard J Reilly [mailto:Bernard.J.Reilly@USA.dupont.com]
Sent: Saturday, October 06, 2001 11:03 AM
To: Steve Washburn
Cc: Bernard J Reilly; Robert Harris; Cyndi Migliaccio; John R Bowman; Andrea V Malinowski; M. Ann Bradley; Paula L Durst; David M Rurak; Gerald L Kennedy; Isidoros J Zankos; Martha L Rees; Robert F Pinchot
Subject: Environ Input

Steve,

As you know, we have an urgent need to open the minds of EPA and the WVDEP about the extremely conservative nature of our CEG. It must not be used to trigger a mandate for drinking water -- we may obtain much larger concentrations in drinking water from the new test protocol.

We have decided we will not need anyone from Environ at the first meeting with the regulators, but will need at least a summary of your findings. We tried to set up a meeting next week on this but have failed so far, and not sure we will get a meeting week of Oct 15, indeed I now have a voicemail asking we put our concerns in a writing before any meeting, that would be highly unsatisfactory it seems to us. I will keep you posted, hoping you can get us maybe a draft summary of the monograph in the near future.

--Bernie

Steve Washburn <SWashburn@environcorp.com> on 10/05/2001 12:56:35 PM

To: REILL2BJ
cc: Robert Harris <RHarris@environcorp.com>
Cyndi Migliaccio <CMigliaccio@environcorp.com>

Subject: RE: EPA Region 3 Cannot Meet Next Week

Bernie -

I am checking with the primary author (Janet Kester) and internal reviewer (Annette Shipp) of the Monograph to ascertain their availability on the dates you indicated in your email. Bob and I are both out of the office and unavailable on October 17, 18, and 19, but it may not be essential for us to be at the meeting with Region III if Janet and/or Annette can attend. Bob and I would both be available on the 24th, and probably also on the 22nd.
Steve

-----Original Message-----

From: Bernard J Reilly (mailto:Bernard.J.Reilly@USA.dupont.com)
Sent: Thursday, October 04, 2001 7:04 PM
To: swashburn@environcorp.com; rharris@environcorp.com
Subject: EPA Region 3 Cannot Meet Next Week

----- Forwarded by Bernard J Reilly/AE/DuPont on 10/04/2001 07:03 PM -----

From: Bernard J Reilly on 10/04/2001 07:02 PM
To: David M Rurak/AE/DuPont@DuPont
Robert F Finchot/DEV/AE/DuPont@DuPont
M. Ann Bradley/STB/DUP@DUP
Robert L Ritchey/CL/DuPont@DuPont
Gerald L Kennedy/AE/DuPont@DuPont
Andrew S Hartten/AE/DuPont@DuPont
Isidoros J Zanikos/AE/DuPont@DuPont
cc: Martha L Rees/AE/DuPont@DuPont
John R Bowman/AE/DuPont@DuPont

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--Bernie

This message may contain confidential or privileged information. If you have received the message in error, please notify the sender by reply email @environcorp.com and delete the message without copying or disclosing. Thank you very much.

From: Bernard J Reilly on 10/12/2001 12:36 PM
To: reilly_bernice@hotmail.com
cc: rmreilly@bellatlantic.net, esipia@thefoliogroup.com, jmatz@wilmingtontrust.com
Subject: Oct 12

Hi Bern,

Another great weather day here, plenty of sunshine, shirt weather and Oct 12, previously known as Columbus Day. I ran with the animal at 0430, got to Phila on the 0630 train, had a pretty good meeting with EPA, back on the 0908 train for a busy day at the shop. Chatted a couple minutes with Erin and Jen, confirmed we celebrate Erin's b'day at our place Sunday afternoon, will be great to see everyone, too bad this nice weather turns sucky that day, can always fire up a fire is chilly and moist. I don't think the Eagles play, that would be a good thing after last weekend with Arizona.

Meeting with EPA was to tell them more about the people drinking our surfactant from Parkersburg, we are shifting to a much better analytical method that will bring in higher numbers that may alarm citizens, regrettably EPA not really up to speed on its toxicity, may order that we supply drinking water even if no real risk. A debacle at best, the business did not want to deal with this issue in the 1990s, and now it is in their face, and some still are clueless. Very poor leadership, the worst I have seen in the face of a serious issue since I have been with DuPont.

Bush spoke last evening, I can't deal with looking at or listening to him, did you? Serious business, and there may be a roll for helicopters if we really do a search for Ben Laden or his chums. I hope our intelligence is very good or we risk having a team wiped out. Thin red line between heroism and lunacy.

Have you picked your type aircraft yet? I believe you were leaning toward a Blackhawk. I read the review of the new book by Halberstam, something War in the Time of Peace, subtitle something like Presidents and the Generals in the 1990s, said, among other things, that Wes Clarke wanted to use attack helicopters (Apache?) in Kosovo, but was vetoed for fear of lost life.

I dropped off my truck radio at Tweeter's last evening, hoping for the best, the old Panasonic is doing OK, but another step back in time. We are hoping the market will rebound, like everyone else.

Not sure about weekend chores, most likely raking leaves, nothing wrong with that, with Otto as my right hand dog.

Hope all is well at Rucker.

Love, -Dad, Mom, Erin, Jen, Cass, Reilly, Otto

From: Bernard J Reilly on 10/13/2001 08:08 AM
To: rharris@environcorp.com, swashburn@environcorp.com
cc:
Subject: Re: Action Items from Meeting with WVDEP/DAQ - Privileged Communication

----- Forwarded by Bernard J Reilly/AE/DuPont on 10/13/2001 08:08 AM -----


From: Bernard J Reilly on 10/13/2001 08:07 AM
To: M. Ann Bradley cc: John R Bowman, Paula Durst-Gillis, Andrea V Malinowski, Heather H. Jones, Stephanie R Timmer
Subject: Re: Action Items from Meeting with WVDEP/DAQ - Privileged Communication ☐

I was not on the call with the DAQ, but my conversation with Ann late Friday, coupled with this note suggest we are not on the same page as the DAQ on whether when assessing potential off-plant impacts they should focus on acute exposures, e.g. one-hour or 8-hour, as we often do in a workplace for TLV/AELs, or chronic exposures, i.e. the annual average concentration in the community.

I believe that we are of the strong view that since any risk to APFO is chronic that the annual average concentration in the community is the proper focus. Is this correct? If so, seems there is an urgent need to reach agreement with the DAQ to avoid needlessly alarming modeling, e.g. impact maps showing large areas around the plant above (wrong) standards. Do we know if Dr Staats agrees the focus should be chronic?

--Bernie

M. Ann Bradley (Spilman Thomas & Battle)

 M. Ann Bradley (Spilman Thomas & Battle)
10/12/2001 05:55 PM

To: Bernard J Reilly cc: John R Bowman, Paula Durst-Gillis, Andrea V Malinowski, Heather H. Jones, Stephanie R Timmermeyer
Subject: Action Items from Meeting with WVDEP/DAQ

Bernie:

As you and I have discussed, as a result of our meeting with the agency today there are several tasks that need to be undertaken. To that end, could you please forward the following email to Bob Ritchey. Thanks.

***Privileged and Confidential
Attorney Work Product
Prepared in Anticipation of Litigation***

Bob:

In connection with our negotiations with the WVDEP DAQ concerning consent orders, we are requesting the following items be prepared:

1. We need language to be drafted that will ultimately be added to the Multi-Media Order concerning reductions in emissions of APFO to air and water.
2. We need modeling of emissions which would result from the revised permit application submitted on Oct. 4, 2001 for Permit R13-815D.
3. We need someone at DuPont to determine what percentage of all air emissions reductions is represented by the reductions from the dryers due to the new scrubbers and stack modifications.
4. We need an evaluation of DAQ's air emissions modeling results as depicted in charts provided

by the agency.

5. We need an evaluation of Washington Works Actual Emissions for 2000 modeled relative to the AEL/TLV for APFO (we recognize that this would not be the proper application of this standard).

Please label all the materials produced as a result of the above requests as:

Privileged and Confidential

Attorney Work Product

Prepared in Anticipation of Litigation

I would like to schedule a time next week when we could discuss these matters. Thanks.

Ann

From: Bernard J Reilly on 10/13/2001 12:04 PM

To: reilly_bern@hotm@il.com

cc: jmetz@wilmingtontrust.com, esipia@thefoliogroup.com, rmreilly@bellatlantic.net

Subject: Oct 13

Hi Bern,

Wonderful day coming weatherize, it is nearly noon, I am trying to get stuff moved off my desk, been real busy lately, so barely able to triage the paper, some gets tossed without a look, some must be dealt with on the spot, and the other third needs attention so just piles up. The word triage most often is associated with dealing with the wounded after a battle, some are so bad off they are not worth taking resources, some are not hurt bad enough to take resources, but the third in the middle might make it if that is where the medical attention is focused.

Had a good meeting with EPA Friday, we told them we are getting drinking water concentrations this coming Thursday using a new test method and they better fasten their seat belts - we expect readings way above what our old method was getting (have been less than our guideline of 1 ppb, may actually be nearer 10 ppb with new test method). We asked them to be a bit patient and allow us time to help them understand it is not a health emergency before they do something drastic, like ordering us to provide alternative sources of drinking water.

I go to Charleston Monday for a meeting Tuesday with WV regulators, we are also trying to convince them there is no emergency. They have drafted an order requiring us to figure out everywhere we have contaminated, to include from our stacks, plus commission a study of the health impacts of this material. We are especially grateful for the latter, so far only DuPont has been saying there are safe levels, we need to have an independent agency agree, we are hoping it would actually agree to higher levels than we have been saying, if for no other reason than we are exceeding the levels we say we set as our own guideline, mostly because no one bothered to do the air modeling until now, and our water test has completely inadequate (until next week). I have been telling the business to get out all the bad news, it is nice that we now are consulting with lawyers who are the best in the nation and have defended cases like ours that they are advising the same strategy. Too bad the business wants to hunker down as though everything will not come out in the litigation, god knows how they could be so clueless, don't they read the paper or go to the movies??

Otto getting a bit better at dropping the Frisbee when he wants it thrown, he loves to hold it, parade it, steal it, and shake it around, but especially likes to chase it, learning slowly I can't throw it unless he drops it.

Time to go enjoy this wonderful day, hope all is well in Alabama and that you are grateful for being anthrax resistant.

Love,

-Dad, Mom, Erin, Jen, Cass, Reilly, Otto

From: Bernard J Reilly on 10/17/2001 08:09 AM
To: reilly_bernice@hotmail.com
cc: mreilly@bellatlantic.net, esipia@thefoliogroup.com, jmatz@wilmingtontrust.com
Subject: Oct 17

Hi Bern,

Back in the shop after Charleston, meeting there with WV and EPA went well, we took the company plane and got back by 1630, avoided the long airport lines, apparently Philadelphia is legendary. Assume you will need to be familiar with air traffic control stuff even if you do not land at commercial airports, since you will be taking up space in the sky and a collision with a more commercially oriented plane is to be avoided. The DuPont pilots are very pleasant, I assume they much prefer to be flying us somewhere than twiddling their thumbs in the hanger.

Otto and I did 3 truck loads of leaves before it got too dark last evening, they still are fairly fluffy, so that is not a lot of leaves, but must keep chipping away. Otto kept his Frisbee in play, enjoys it very much and an impressive catcher, his last second leap often dramatic, plus he has figured out how to track it. Great dog.

Although I don't envy you the drive, it sure will give you lots more flexibility if you fly from Atlanta for T'giving. By the way, traffic around Atlanta really sucks, hope you do not drive in the worst of it, and right before Thanksgiving traffic jams are at a max, maybe drive real late that evening or early Thursday. Not to mention check-in lines. Flights fill early, better get your ticket ASAP, use our charge card. I canceled the trip I had made for you through Panama City, but nice to know that is an option. You planning to drive at XMas?

Mom and I might trip the light fantastic this evening and actually go out for dinner, there is a place in BranMar plaza that gets good reviews, we plan to make it a business meeting and charge it to Becks Properties. We are big investors.

I see New Order is putting out a new CD, wonder if any good? Also some basement tapes of the Velvet Underground from 1969 now on CD. Will need to hear a sample before I get excited.

We get drinking water data from Parkersburg today, we all have our seat belts fastened, hoping for the best but expecting the worst. Our old test was getting less than 1 ppb, the new, better one may be up to 10 ppb, which would put everyone in a corner as far as requiring alternative drinking water for a community of 10,000. Ugh.

Time to face the day, hope all is well.

Love, -Dad, Mom, Erin, Jen, Cass, Reilly, Otto

From: Bernard J Reilly on 10/20/2001 08:19 AM
To: reilly_bernie@hotmail.com
cc: mreilly@bellatlantic.net, esipia@thefoliogroup.com, jmatz@wilmingtontrust.com
Subject: Oct 20

Hi Bern,

Foggy beginning of the day here, but pretty good weather predicted, mom and I going to Lancashire later today for dinner, Joe's folks coming down, I am sure we can find some project to chip away at, certain I need to shorten the hot water line to the sink and midbath, could be easy or a bitch depending on luck. Also would like to keep my leaves at bay by steady truckloads, something tells me not many today.

Thanx for the call, would be excellent if you can get away with a new pump and shaft, you can use our charge card for that. Let me know what you see under those caps, I agree no sense taking off the last main if it has the seal integrated into it and the others are OK, generally it is the rod bearings that fail first, and then a rod gets shot through the block. So much for high volume pumps. What are you suing for lights? Get a halogen? Messy garage floor ok? I know you like to work in a layer of grease.

We did a sub last evening, I had a long day but had a few minutes to rake with Otto, he keeps his Frisbee in play, he needs the exercise and I have been running at work a lot lately, I can do 0430, but all thing considered that first few minutes is hairy, plus I then often get drowsy mid-afternoon.

I see that some Special Forces have landed in Afghanistan, wonder if they used Navy or Army helicopters? I believe they came from ship so maybe the latter. Paper said there may have been casualties. Would not surprise me if recent grads were in the attack.

Klinge played some new New Order this week, I am not sure it is going to click with me. There is new Fugazi out, likely great. [spell check did not like the pair of "new" words]

Drinking water results from new test method for Parkersburg came in, miraculously less than 1 ppb! Now if the clients will only listen to us on doing free testing and giving away bottled water we might avoid punitive damages.

Time to clear the desk, an irresistible force meets an immovable object, or whatever. Good luck on the motor.

Love,

-Dad, Mom, Erin, Jen, Cass, Reilly, Otto

From: Bernard J Reilly on 11/02/2001 11:59 AM

To: John R Bowman/AE/DuPont@DuPont, M. Ann Bradley/STB/DUP@DUP, Paula L Durst/STB/DUP@DUP,
Heather H. Jones/STB/DUP@DUP

cc: swashburn@environcorp.com

Subject: Environ Report

Ann just heard from WV that EPA Region 3 is looking for the Environ Report as part of its process to determine an acceptable drinking water number pending the TERA study. Not sure if EPA is still drafting an order with a drinking water number but sounds like they are. Do we have a date when the Report will be finished? Will it be OK to share with the agencies ASAP thereafter? Surely Bilott will get a copy right away from them. Anything we should include in a cover letter?

--Bernie

From Bernard J Reilly on 11/28/2001 08:09 AM
To reilly_bern_e@hotmail.com
cc rmreilly@bellatlantic.net, esipia@thefoliogroup.com, jmatz@wilmingtontrust.com
Subject Nov 28

Hi Bern,

Great having you home last weekend, hope you got safely on your flight and then safely back to Enterprise in time to study for your test Tuesday. Did you pass? Stay up all night? Do they have rules requiring a certain amount of sleep before you fly? How long did it take to get through the airport lines?

We have had a bit of rain since you left, maybe an inch, but hardly enough to make up for months of shortages. Weather still unseasonably warm, I can take that, saves on heating oil, and my wood pile not as big as it should be. Otto may be wishing for colder weather to compliment his pedigree (cold weather dog). I was wondering, after seeing how clever he is with his nose, if seals are not directly related to Labradors, likely descendants. Essentially the same face and neck, just different feet. And seals like to get fat too.

I should have hired a design team for the cupholder in my truck, it is fine and sturdy, ok for a Coke can, but when you put a large cup of coffee in it then the cup interferes with the window handle. Guess I better lower it. We never did change the oil in the truck, better do that this weekend. And Army Navy this weekend in Phila, an article in the Times today on the Navy team, says that crowds have been cheering them since 911. Nice to be appreciated. Navy is 0-9, but has a very productive quarterback, something like best rusher in nation. Hm. I assume someone down in your neighborhood will get a keg and TV set.

I see Army Rangers secured an airfield in Afghanistan, and now Marines are on the ground, will be interesting to see if casualties can be kept low. Anytime there is guerrilla warfare there are chances for a wipeout. That place looks like it is all rocks, must be hard to move in the open, but plenty of caves to hide in. There are areas that are very forested, apparently where bin Laden hiding is one of them, but never see vegetation on the pictures in the paper. And the area is a big poppy growing place, I assume there must be crops somewhere. Big fear is that the same Hussein-like tribal leaders who drove the nation into anarchy after the Russians left in the mid-1990s are the ones now grabbing power, and not clear there is a lot that external forces can do about that.

The big public meeting in Parkersburg, WV, is tomorrow evening, the plant manager is our speaker. I was on the line for some of the rehearsal, regrettably some of our business folks still are clueless on our vulnerabilities or the power of the agencies to shut us down, but generally they are being brought around as the noose tightens. I assume the lawyers for the plaintiffs will try to make this a circus, the last thing they want is for everything to look like it is in control. We now have established a process to come up with a "safe" level of our surfactant in drinking water, blessed by the agencies surely plaintiff lawyers do not want that process to work.

Time to roll, apologies for being slow on sending notes, things a bit hectic here. Hope all is well down there.

Love, -Dad, Mom, Erin, Jen, Cass, Reilly, Otto

From: Bernard J Reilly on 01/20/2002 09:22 AM
To: AShipp@environcorp.com, rharris@environcorp.com
cc: M. Ann Bradley/STB/DUP@DUP, John R Bowman/AE/DuPont@DuPont
Subject: 10 ug/L in Environ Hazard Narrative

----- Forwarded by Bernard J Reilly/AE/DuPont on 01/20/2002 09:23 AM -----

From: Bernard J Reilly on 01/20/2002 09:21 AM
To: Gerald L Kennedy/AE/DuPont@DuPont, Robert W Rickard/AE/DuPont@DuPont
cc: David M Rurak/AE/DuPont@DuPont, M Ann Bradley/STB/DUP@DUP, John R
Bowman/AE/DuPont@DuPont, Andrea V Malinowski/AE/DuPont@DuPont, Paula L
Durst/STB/DUP@DUP, Heather H. Jones/STB/DUP@DUP
Subject: 10 ug/L in Environ Hazard Narrative

I had thought there would not be significant changes between the draft ENVIRON PFOA Hazard Narrative we reviewed a couple weeks ago and the final that we got late Thursday, 1/17, and that the feedback we got from ENVIRON mid-last week was that the 14 ug/L in drinking water from the RfD analysis would remain the bottom line. However, the final version has changed the Margin of Exposure (MOE) for the cancer end-point risk-specific dose from 300 in the draft to 1000 in the final version. Using traditional exposure assumptions (20% drinking water), this results in a drinking water number of 10 ug/L. Obviously this is lower than the 14 ug/L that is based on the RfD analysis.

If I am reading this accurately, I need to correct my representations to EPA Region 3, I told them the 14 ug/L would not be changed. Is there a reason I can offer? Recall this report has been and will be the sole basis for the Safe Drinking Water Act Order that will require us to provide alternative sources if the concentration if the Order is exceeded when we gather samples. EPA and Dr. Staats now have this report. Is there an argument that 14 ug/L still is the proper number?

--Bernie

From page 30 of Final Report

In summary, the risk-specific dose obtained from MOE analysis (1.4 µg/kg BW-day) is similar to the RfD derived from monkey data (2 µg/kg-day; see Table 3). The RfD derived from the monkey study would also be protective of the potential carcinogenicity of PFOA. Because the responses in monkey are thought to be more relevant to potential responses in humans, a drinking water concentration based on the negative findings in the monkey study is recommended. The RfD corresponds to an allowable water concentration of 70 µg/L, while the risk-specific dose corresponds to an allowable water level of 50 µg/L. When deriving acceptable drinking water concentrations for Maximum Contaminant Levels (MCLs), the contribution of intake from drinking water to total intake by all routes is considered. In the absence of specific data regarding the contribution to PFOA in drinking water to total exposure, the default assumption of 20% source attribution from drinking water could be used. Hence, drinking water criteria protective against all non-cancer and cancer health effects potentially associated with PFOA exposure would be 10 µg/L or 14 µg/L, based on the risk specific dose of 50 µg/L or an RfD of 70 µg/L.

 M. Ann Bradley@DUP
01/31/2002 08:57 AM

To: John R Bowman/AE/DuPont@DuPont, Bernard J Reilly/AE/DuPont@DuPont
cc: Laura R Walter/AE/DuPont@DuPont, Heather H Jones/STB/DUP@DUP
Subject: RE: Draft Monograph

John and Bernie:

Attached is an electronic version of the document that was provided to Armando Benincasa under cover of letter dated November 13, 2001. A hard copy of this submittal along with the cover letter were provided with the set of documents sent to Laura Walter on December 3, 2001 (under Tab 33). According to our records a hard copy of this document was also provided under cover of letter dated November 21, 2001. This document was not submitted with a "privileged" label to WVDEP. I regret that I was not on the call yesterday as I may have been able to address this issue. Please let me know if you have any questions.

Ann

----- Forwarded by M. Ann Bradley/STB/DUP on 01/31/2002 08:34 AM -----

From: Bernard J Reilly@DUPONT on 11/10/2001 08 32 AM
To: M. Ann Bradley/STB/DUP@DUP, Paula L Durst/STB/DUP@DUP, Heather H. Jones/STB/DUP@DUP, John R Bowman/AE/DuPont@DuPont, rhosking@kl.com, ljanssen@steptoe.com
cc: David M Rurak/AE/DuPont@DuPont, Gerald L Kennedy/AE/DuPont@DuPont, Robert W Rickard/AE/DuPont@DuPont, Robert F Pinchof/DEV/AE/DuPont@DuPont
Subject: RE: Draft Monograph

Trial Team:

Any reason we should not share this draft with the agencies electronically? We gave a paper copy to Region 3 Friday, but a couple pages did not print, and I left out the page that now has been corrected as noted below. I know Ann wants to get a copy to Dr Staats of the WVDEP ASAP. Bilott rains FOIA requests on the agencies, so it will be in his hands one way or another shortly.

We are telling the agencies that the Environ report uses standard methodology. DuPont has chosen to take a more conservative approach when it set its CEG. DuPont should not be punished for that. It certainly would help our defense of the class action if the TERA process yields a number considerably above our CEG. Hence assuring Dr Staats has full perspective is essential.

--Bernie

----- Forwarded by Bernard J Reilly/AE/DuPont on 11/10/2001 08:11 AM -----

Janet Kester <jkester@environcorp.com> on 11/09/2001 03:50:04 PM



To: Bernard J Reilly/AE/DuPont@DuPont
cc:
Subject: RE: Draft Monograph

Bernie,
Yes, although that passage was not meant to imply that the effects were adverse in a major way (quite the opposite), it could certainly be read that way. So here it is revised to just "the only effects observed."

From: Bernard J Reilly on 02/01/2002 07:22 AM

To: reilly_bernie@hotmail.com

cc: esipia@thefolicgroup.com, jmatz@wilmingtontrust.com, rmreilly@bellatlantic.net

Subject: Feb 1

Hi Bern,

Month of Jan is already shot, time zooming by. I have been extra busy lately with my wonderful surfactant thing in WV, our suit with the government on wartime cleanup costs, and now Aberdeen in MD wants to send us treatment residues from mustard gas to Chambers Works where we have that large aqueous treatment system. we want the business, but expect a lot of headaches on publicity. we are trying to work that through. And later today I have a meeting in DC that means my precious Friday night at home will not start until around 2000, pretty close to bedtime, and no time to get my sub. Of course there are several aging pieces of subs in the fridge anyway. We did leftover chili last night from Sunday, excellent, and the night before that some leftover soup Erin made with sausage, beans, etc, also terrific.

Not sure if I told you our surfactant now found in drinking water in Ohio across the river from our plant. we have a team briefing the Ohio EPA on that this morning, hoping they will give us breathing room to fix the situation, of course that will not stop the lawsuits. their local water system serves about 12,000 people, a plaintiff lawyer's dream. and we already have a suit from the people drinking from the water system on the WV side of the river.

Article in today's times on Tom White, he says his unit at Enron did no wrong, used good accounting practices, etc. Whatever they did, they booked earnings and took bonuses on transactions that now have zero value, and Enron is defaulting on providing the energy services they contracted. They would get a contract to provide energy to a chemical plant or whatever, then assume they could buy energy at, say 20% less than the contract price, then immediately book that 20% as profit even though it might come in over many years, and would vanish if they could not buy cheap energy somewhere, which in many cases very well could be the case.

Big weekend, Mollies' birthday party Sat evening, then Reilly's Sunday, each with lots of family, wish you could be here for them, hope your buddies down there functioning as surrogate family.

Time to roll, hope school and all going well, we (and Otto) fine.

Love, -Dad, Mom, Erin, Jen, Cass, Reilly, Otto.

From: Bernard J Reilly on 02/06/2002 08:33 AM
To: reilly_bern@hotmai.com
cc: esipia@thefoliogroup.com, jmatz@wilmingtontrust.com, rmreilly@bellatlantic.net
Subject: Feb 6

Hi Bern,

Warmer day coming, may get into the 40s, not sure if I will get home to run with the dog, I did give him some Frisbee tosses yesterday, he missed my run, he was traveling with mom to drop off Cass at the time. He has been very good in the house lately, but somehow can't resist knocking the stuffing out of the couch pillows in the living room, we need a video camera to see how he does that.

Tom stopping by for the weekend, I will get him at the airport, stop by Lancashire on the way home to spread his personality, I will try one more time to brag about my deck and other projects, but that is like casting pearls before swine, he is unable to comprehend such labors of love. He does things with his wallet or his handy guys who work for him.

I am having fun trying to see if we can strike a deal to take the residues from mustard agent from Aberdeen, the DuPont guys want the work, but not if we get ugly headlines. But the guys at Aberdeen don't want a wimp out clause in the contract, they want that stuff out of there and we are the only outlet once they start their process.

Similar fun in Ohio, now that we have told Little Hocking our surfactant is in their water supply they have set a public meeting for next Monday, might be a real side show. We are accepting responsibly and will be prime speakers at this meeting, it does help when a company is willing to take the heat. I am sure the plaintiff lawyers will ask shitty questions in efforts to get headlines. We have pretty much finished working out an Order with EPA that sets a safe level above levels we are finding in drinking water. Best guess now is that we impacted well in Ohio from air deposition that gets washed into the groundwater, was a surprise to all.

We have a nearly all day meeting on Pompton Lakes today, dealing with defense of the toxic torts there. Also a call with our lawyers dealing with our war plants suit, trying to get DOJ to stop hiding the ball.

Great to hear from you Monday night, glad that Spot is being a reliable servant, assume with a great tune system. I taped Klinge last evening, turns out my man Conor Oberst of Bright Eyes has a new CD under some other name, I only listened to the first part of the show, but Klinge said it would be highlighted, so I must find the spare change for a purchase.

Time to roll, hope all is well, don't crash Chopper 6, or any bigger versions. Blackhawk Down still top grossing movie for the week.

Love, -Dad, Mom, Erin, Jen, Cass, Reilly, Otto

